Amendments to the Drawings:

Figs. 1 and 2 are amended herein to include the legend "Prior Art". Attached are a replacement sheet including the amended Figs. 1 and 2, and an annotated sheet showing the changes made to Figs. 1 and 2.

Attachment: One (1) Replacement Sheet
One (1) Annotated Sheet Showing Changes

Remarks:

Applicants appreciatively acknowledge the Examiner's confirmation of receipt of Applicants' claim for priority and certified priority document under 35 U.S.C. § 119(a)-(d).

Reconsideration of the application, as amended herein, is respectfully requested.

Claims 1 - 23 are presently pending in the application. Claims 1, 12 and 13 have been amended.

In item 3 of the above-identified Office Action, the drawings were objected to on the basis that Figs. 1 and 2, representing the prior art, were not labeled as prior art. The Examiner's suggested correction has been made.

In item 4 of the Office Action, the drawings were further objected to as allegedly not showing the "functions for increasing availability" of Fig. 1. Applicants have amended claim 1 to recite, among other limitations, "functions for providing increased availability ***by virtue of the interaction of the data processing apparatuses***". Claims 12 and 13 have been amended to recite a similar limitations, among others. Such, "**functions**", as claimed by Applicants, are shown in the drawings, for example, by arrows 3a-c of Fig. 5, arrows 4 and 5 of Fig. 6 and arrows 6 and 7 of Fig. 7. As such, the

"**functions**" for providing increased availability by virtue of the interaction of the data processing apparatuses, claimed by Applicants, are believed to be shown in the drawings.

Additionally in item 4 of the Office Action, the drawings were further objected to as allegedly not showing the address translation of claim 6, the routing of alarm and event messages of claim 7, and the redundant timer objects of claim 8. However, both the claims and the specification make clear that the "**functions** for providing increased availability by virtue of the interaction of the data processing apparatuses" can be, among others, the functions that initiate address translation of claim 6, the event and alarm messages of claim 7 and/or the timer objects of claim 8. For example, page 9 of the instant application, line 21 - page 10, line 2, states:

> In accordance with another added feature of the invention, **the functions for increasing availability initiate translation of physical addresses** of the at least one second data processing apparatus, the physical addresses being predefinable or automatically determinable, into logical addresses, with a translation being carried out by the first data processing apparatus. [emphasis added by Applicants]

See also, for example, page 10 of the instant application, lines 4 - 9, which state:

> In accordance with another additional feature of the invention, **the functions for increasing availability route event and alarm messages through the same channels**, with the event and alarm messages being

> centrally accessible, so that suitable countermeasures including termination of a service, may be initiated automatically or manually. [emphasis added by Applicants]

Further, page 10 of the instant application, lines 11 - 15, state:

> In accordance with another further feature of the invention, **the functions for increasing availability of the coupler in the first data processing apparatus provide timer objects** of the at least one second data processing apparatus in redundant form. [emphasis added by Applicants]

As such, the "**functions**" for providing increased availability" that initiate translation of addresses, route message and alarm objects and/or provide timer objects, as claimed by Applicants, are also represented. in the drawings, for example, by arrows 3a-c of Fig. 5, arrows 4 and 5 of Fig. 6 and arrows 6 and 7 of Fig. 7. Thus, all elements of the claims given to illustration are believed to be shown in the drawings.

In item 6 of the Office Action, claims 1 - 23 were rejected as allegedly being indefinite under 35 U.S.C. § 112, first paragraph for having a single means claim. Claims 1, 12 and 13 have been amended to address the concern raised in item 6 of the Office Action.

In item 8 of the Office Action, claims 1, 8, 10, 12, 13, 20 and 22 were rejected as allegedly being indefinite under 35 U.S.C. § 112, second paragraph. More particularly, claims 1, 12 and 13 were rejected because the phrase "providing functions for increasing availability" was alleged to be unclear by how much availability is to be increased. Applicants respectfully disagree. MPEP § 2173.05(b), relating to relative terminology, states, in part:

> **2173.05(b) Relative Terminology [R-6]**
>
> The fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under **35 U.S.C. 112**, second paragraph. Seattle Box Co., v. Industrial Crating & Packing, Inc., 731 F.2d 818, 221 USPQ 568 (Fed. Cir. 1984). Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification.
>
> **WHEN A TERM OF DEGREE IS PRESENT, DETERMINE WHETHER A STANDARD IS DISCLOSED OR WHETHER ONE OF ORDINARY SKILL IN THE ART WOULD BE APPRISED OF THE SCOPE OF THE CLAIM**
>
> When a term of degree is presented in a claim, first a determination is to be made as to whether the specification provides some standard for measuring that degree. If it does not, a determination is made as to whether one of ordinary skill in the art, in view of the prior art and the status of the art, would be nevertheless reasonably apprised of the scope of the invention. Even if the specification uses the same term of degree as in the claim, a rejection may be proper if the scope of the term is not understood when read in light of the specification. While, as a general proposition, broadening modifiers are standard tools in claim

> drafting in order to avoid reliance on the doctrine of equivalents in infringement actions, when the scope of the claim is unclear a rejection under **35 U.S.C. 112**, second paragraph, is proper. See In re Wiggins, 488 F. 2d 538, 541, 179 USPQ 421, 423 (CCPA 1973).
>
> When relative terms are used in claims wherein the improvement over the prior art rests entirely upon size or weight of an element in a combination of elements, the adequacy of the disclosure of a standard is of greater criticality.

Page 14 of the instant application, lines 4 - 20, state:

> Fig. 3 shows a high-availability configuration, as could be produced in accordance with the invention. **There are nodes (node 1) which, as previously, have been configured to have a high level of availability by use of local measures. The availability of the node 1 can be increased further by providing additionally the inventive coupler that makes it possible to implement availability-increasing functions** via the IP network in conjunction with other nodes.
>
> **A simple node which itself does not contain a local cluster can likewise be made to have a high level of availability by adding the coupler which enables coupling to other nodes and thus make it possible to implement functions which increase availability.** In the example of Fig. 3, coupling of the nodes 2 and 3 using the inventive coupler and the IP network may result in just as high an availability level as a local cluster at node 1, when considered on its own. [emphasis added by Applicants]

As shown above, the specification **provides a standard**, making it clear that the "functions for increasing availability" increase the availability of a node of the IP network over that of the previous configurations. Thus, a person of ordinary skill in this art, reading the specification of the

instant application, would clearly understand what is being claimed by Applicants' using the phrase "functions for increasing availability" in Applicants' claims. As such, Applicant's claims 1, 12 and 13 are believed to be defined, per MPEP § 2173.05(b), and definite under 35 U.S.C. § 112, second paragraph.

Also in item 8 of the Office Action, claims 8 and 20 were rejected because the use of timer objects was allegedly unclear. Applicants respectfully disagree. Page 16 of the instant application, lines 17 - 19, state:

> **It is furthermore customary practice**, as a function that increases availability, to provide timer objects in redundant form. [emphasis added by Applicants]

Thus, it would be clear to a person of skill in this art what is meant by providing "timer objects in redundant form".

Also in item 8 of the Office Action, claims 10 - 22 were rejected because it was allegedly unclear how the means for terminating functions for increasing availability can be accomplished by coupling with a device that cannot be addressed. Applicants believe that the amendments to claims 1, 12 and 13 even more clearly set forth the coupling of the devices.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs.

In item 10 of the Office Action, claims 1 - 3. 9 - 10. 12 - 15 and 21 - 22 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U. S. Patent No. 6,192,401 to Modiri et al ("**MODIRI**").

In item 12 of the Office Action, claims 4 and 16 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over **MODIRI** in view of U. S. Patent No. 6,195,760 to Chung et al ("**CHUNG**"). In item 13 of the Office Action, claims 5 and 17 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over **MODIRI** in view of U. S. Patent Application Publication No. 2003/0023740 to White et al ("**WHITE**"). In item 14 of the Office Action, claims 4 and 16 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over **MODIRI** in view of U. S. Patent No. 5,778,186 to Funaya ("**FUNAYA**"). In item 15 of the Office Action, claims 7 and 19 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over **MODIRI** in view of U. S. Patent Application Publication No. 2003/0105850 to Lean et al ("**LEAN**"). In item 16 of the Office Action, claims 8 and 20 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over **MODIRI** in view of U. S. Patent No. 5,774,479 to Lee et al ("**LEE**"). In

item 17 of the Office Action, claims 11 and 23 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over **MODIRI** in view of U. S. Patent No. 6,282,712 to Davis et al ("**DAVIS**").

Applicants respectfully traverse the above rejections, as applied to the amended claims.

More particularly, claims 1 and 12 have been amended to recite, among other limitations:

> **means for remotely installing the coupler** from said first data processing apparatus to said second data processing apparatus. [emphasis added by Applicants]

Independent claim 13 has been amended to recite, among other limitations:

> **means for remotely installing each coupler** from said first data processing apparatus to said second data processing apparatus. [emphasis added by Applicants]

As such, Applicants' claimed invention provides a flexibility by permitting **remote installation** of a demanded service on a data processing apparatus, **through remote installation of the coupler**. This is supported by the specification of the instant application, for example, on page 8 of the instant application, lines 12 - 19, which state:

> A further advantage resides in the fact that **the coupler may be added by remote installation** since it may be a pure software component. **Various data processing apparatuses can therefore be provided with the inventive coupler merely from one location** in order to set up a network having data processing apparatuses that are not identified in the network. **A network that has high-availability properties can thus be set up from a central location.** [emphasis added by Applicants]

See also, for example, page 17 of the instant application, lines 10 - 14, which state:

> **It is furthermore advantageous that the coupler may be installed remotely**. This is important, above all, when it is not possible to actually physically access the other data processing apparatuses, which will be the norm with an IP network such as the Internet. [emphasis added by Applicants]

That the Applicants' claimed coupler can be installed remotely permits the dynamic establishment of virtual clusters by combining a plurality of data processing systems using the inventive coupler. This can be seen, for example, on page 25 of the instant application, line 23 - page 26, line 8, which states:

> It cannot always be assumed that there is a second node or a second data processing apparatus which can provide the same service and furthermore has the suitable inventive coupler in order to enter into an availability-increasing connection with the first node, that is to say to form a virtual cluster.. In this case, it proves to be advantageous in turn that the inventive coupler can be implemented solely by software. **It is therefore possible, on a node that, although it provides the service sought, does not have the inventive coupling, to install precisely the coupling remotely. This provides the greatest**

possible flexibility when setting up a virtual cluster. [emphasis added by Applicants]

Systems according to prior art do not allow for a flexible extension of a cluster, as is provided by Applicants' particularly claimed coupler and remote installation thereof. For example, the **MODIRI** reference, cited in the Office Action against Applicants' independent claims, explicitly states that "[c]luster management software running on the plurality of computers is configured to group various ones of the computers into a cluster". See, for example, the Abstract of **MODIRI**. Thus, in **MODIRI**, the cluster or clusters formed are flexible in size, **but are restricted to computers from a predetermined set of computers**, all of which have to be equipped, **in advance**, with the cluster management software, contrary to Applicants' presently claimed invention.

MODIRI fails to teach or suggest, among other limitations of Applicants' claims, **means for remotely installing a coupler** from a first data processing apparatus to a second data processing apparatus. As such, Applicants' amended claims are patentable over the **MODIRI** reference.

Item 17 of the Office Action states that **MODIRI** fails to disclose automatically installing software over the network. However, item 17 of the Office Action, in connection with

Applicants' claims 11 and 23, alleges that the general concept of installing software to a node over the network is "well known" in the art, as disclosed in col. 11 of **DAVIS**, line 56 - col. 12, line 8. The Office Action goes on to allege, in part:

> It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Modiri with the general concept of installing software to a node over the network as taught by Davis in order to provide management updates to nodes in the Network.

However, even if, arguendo, installation of software to a node over the network in a distributed cluster might be obvious over **MODIRI** and **DAVIS**, as alleged in the Office Action, the remote installation of **the coupler** (i.e., analogous to the cluster management software of **MODIRI**) would **not** be obvious from **MODIRI** and **DAVIS**. Expansion of the cluster beyond the predetermined set of computers (i.e., set in advance in **MODIRI**) through remote installation of the coupler is unobvious from **MODIRI** alone, or even in combination with the teachings of **DAVIS**.

The **CHUNG**, **WHITE**, **FUNAYA**, **LEAN** and **LEE** references, cited in the Office Action in combination with **MODIRI** against certain of Applicants' dependent claims, fail to cure the above-discussed deficiencies of the **MODIRI** and **DAVIS** references. For the foregoing reasons, among others, Applicants' claims

are believed to be patentable over the **MODIRI**, **DAVIS**, **CHUNG**, **WHITE**, **FUNAYA**, **LEAN** and **LEE** references, whether taken alone, or in combination.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 1, 12 and 13. Claims 1, 12 and 13 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1 or 13.

In view of the foregoing, reconsideration and allowance of claims 1 - 23 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Additionally, please consider the present as a petition for a two (2) month extension of time, and please provide a two (2) month extension of time, to and including, March 9, 2008 to respond to the present Office Action.

The extension fee for response within a period of two (2) months pursuant to Section 1.136(a) in the amount of $460.00 in accordance with Section 1.17 is enclosed herewith.

Please provide any additional extensions of time that may be necessary and charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

For Applicants

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March 10, 2008

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01 FC:1252 460.00 OP

FIG 1
PRIOR ART

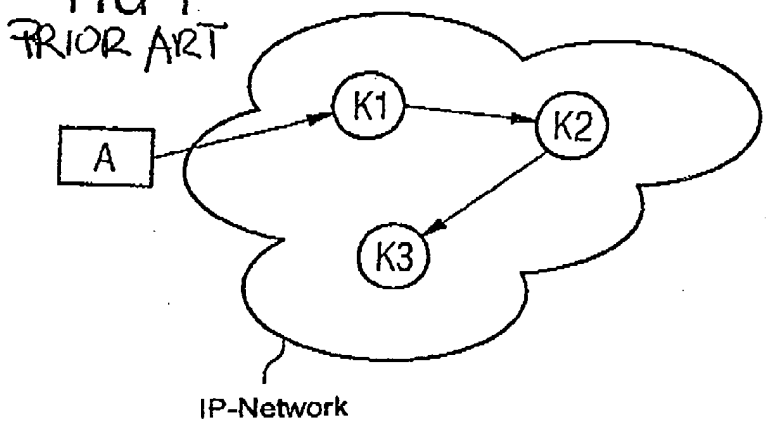

FIG 2
PRIOR ART